

ORDINANCE NO. G-2014-11

Introduced By: Lindsey
Committee: Public Works

AN ORDINANCE TO VACATE CERTAIN PUBLIC WAYS OR PUBLIC PLACES WITHIN THE CITY OF EVANSVILLE, INDIANA, COMMONLY KNOWN AS THAT PORTION OF THE RIGHT-OF-WAY OF CHESTNUT STREET LOCATED BETWEEN 6TH STREET AND MARTIN LUTHER KING BLVD., IN THE CITY OF EVANSVILLE, INDIANA.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section I: That pursuant to EMC 12.05.450, a sworn petition was presented to the Common Council of the City of Evansville, requesting that the public place or public way described in Section III below be vacated by the City of Evansville Department of Redevelopment.

Section II. That after due and proper notice a timely public hearing was convened by the Common Council, at which time all interested persons were permitted to address the Common Council regarding said vacation.

Section III. That the Common Council of the City of Evansville, after due investigation and consideration has determined that the nature and extent of the public use and the public interest to be subserved is such as to warrant the vacation of that part of the public way or public place described as follows, and further indicated by the words "To Be Vacated" on the drawing hereto attached as Exhibit A, which is made a part of this Ordinance:

A part of the Eastern Enlargement of the City of Evansville, as recorded in Deed Record E, pages 415 and 416; transcribed in Plat Book A, pages 142, 143 and 144; re-transcribed in Plat Book E, pages 16, 17 and 18 located in the Office of the Recorder of Vanderburgh County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of Block 39 and on the North right of way line of Chestnut Street in said subdivision; thence North 57 degrees 36 minutes 50 seconds East (State Plane Bearing) on and along the south line of said Block 39 and said right of way line 229.28 feet (measured) 230.00 feet (plat) to the Southeast corner of said block; thence continuing North 57 degrees 36 minutes 50 seconds East on the extension of said right of way line 62.00 feet; thence South 32 degrees 23 minutes 10 seconds East 60.00 feet to the South right of way line of Chestnut Street and the North line of Block 40 in said subdivision; thence South 57 degrees 36 minutes 50 seconds West on and along North line of said Block 40

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JUN 17 2014

Jana Widness
CITY CLERK

and said right of way line 291.28 feet to the Northwest corner of said Block 40; thence North 32 degrees 23 minutes 10 seconds West 60.00 feet to the Point of Beginning of this described parcel, containing 0.40 acres more or less.

Section IV. The Common Council of the City of Evansville herein grants the following easements in the public way described in Section III above (the "Public Way"), and the vacation of the Public Way shall be subject to the following easements:

- 1) a nonexclusive easement in favor of Evansville Water and Sewer Utility in, under and upon certain property depicted as the 15' Proposed Sewer Easement on Exhibit B attached hereto and incorporated herein, in order to operate, control, maintain, repair, reconstruct, or remove, one or more sewer pipes and all appurtenant and necessary structures to transmit sewage, together with the right of ingress and egress across certain portions of the Public Way labeled as the Proposed Ingress and egress Easements in the exercise of the rights and privileges herein granted;
- 2) a non-exclusive, perpetual easement in favor of Indiana Bell Telephone Company dba AT&T Indiana, an Indiana Corporation, its affiliates and licensees, successors and assigns, in, under, over, upon and across the portion of the Public Way depicted as the 11' AT&T and Traffic Line Easement on the attached Exhibit B, for the purposes of and in order to construct, reconstruct, modify, supplement, maintain, operate and/or remove underground facilities for the transmission of electricity and signals used in the provision of communication, video and/or information services and/or any other services or uses for which such facilities may be used including, but not limited to, conduits, inner ducts, manholes, underground communication vaults/equipment enclosures, equipment cabinets or enclosures, cables, wires, or other underground cable or wire enclosures, and other related or useful equipment, fixtures, appurtenances and facilities, together with the right to have commercial electrical service extended across the 11' AT&T and Traffic Line, as necessary, to provide service to such facilities, and the right of ingress and egress across certain portions of the Public Way labeled as the Proposed Ingress and egress Easements for the purpose of access to and use of the easement granted herein;
- 3) a non-exclusive, perpetual easement in favor of and the City of Evansville, Department of Transportation Services, in, under, over, upon and across the portion of the Public Way depicted as the 11' AT&T and Traffic Line Easement on the attached Exhibit B, for the purpose of and in order to operate, control, maintain, repair, reconstruct, or remove, underground facilities including cables, wires, conduits, lines and all appurtenant and necessary structures to provide service to such facilities, together with the rights of ingress and egress across certain portions of the Public Way labeled as the Proposed Ingress and egress Easements for the purpose of access to and use of the easement granted herein;

- 4) a temporary, non-exclusive easement in favor of Southern Indiana Gas and Electric Company, Inc. dba Vectren Energy Delivery of Indiana ("Vectren") in order to operate, control, maintain, repair, relocate or remove, one or more electric lines or gas lines and all appurtenant and necessary structures to transmit public utilities across, under and upon that property depicted as the 14' Proposed Temporary Vectren Easement and the 12' Proposed Temporary Vectren Easement on the attached Exhibit B, together with rights of ingress and egress across certain portions of the Public Way labeled as the Proposed Ingress and egress Easements, which easements shall be released and terminated after the lines are relocated or abandoned; and
- 5) an exclusive easement in favor of Vectren as shown on Exhibit B as the 8' Proposed Vectren Easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land together with the right of ingress and egress across certain portions of the Public Way labeled as the Proposed Ingress and egress Easements in the exercise of the rights herein granted. Vectren also reserves the right to trim or remove, at Vectren's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Vectren's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

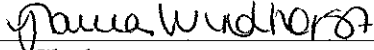
Any utility exercising its rights within the easements described above shall return the easement area to its original condition as before the exercise of its rights hereunder at the sole cost and expense of the utility. Upon the completion of any maintenance or repairs to a utility within an easement area described above or depicted on Exhibit B, said easement area shall be returned to the same condition as it was in before the maintenance or repair of the utility facility at the sole cost and expense of the utility.

Section V. Therefore, the Common Council of the City of Evansville, Indiana, does hereby find the above-described Public Way or public place is no longer required for public use and the public interest will be served by such vacation, and the Common Council of the City of Evansville does hereby vacate that portion of the Public Way or public place described in Section III above subject to the terms and conditions as stated in this Ordinance.

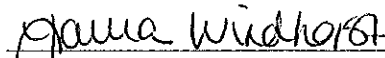


President


ATTEST:


City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the ~~14th~~₁₅ day of July, 2014.


City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this ~~14th~~ day of July, 2014, at 2:30 o'clock.


Mayor of the City of Evansville, Indiana



THIS INSTRUMENT PREPARED BY: ~~Jennifer A. Elston~~, Ziemer, Stayman, Weitzel & Shoulders, LLP, 20 NW 1st Street, 9th Floor, P.O. Box 916, Evansville, Indiana 47706-0916. Telephone: 812/424-7575.

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

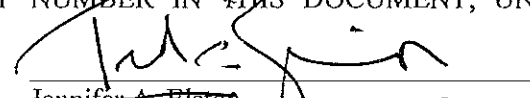

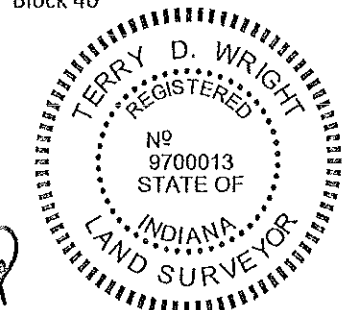
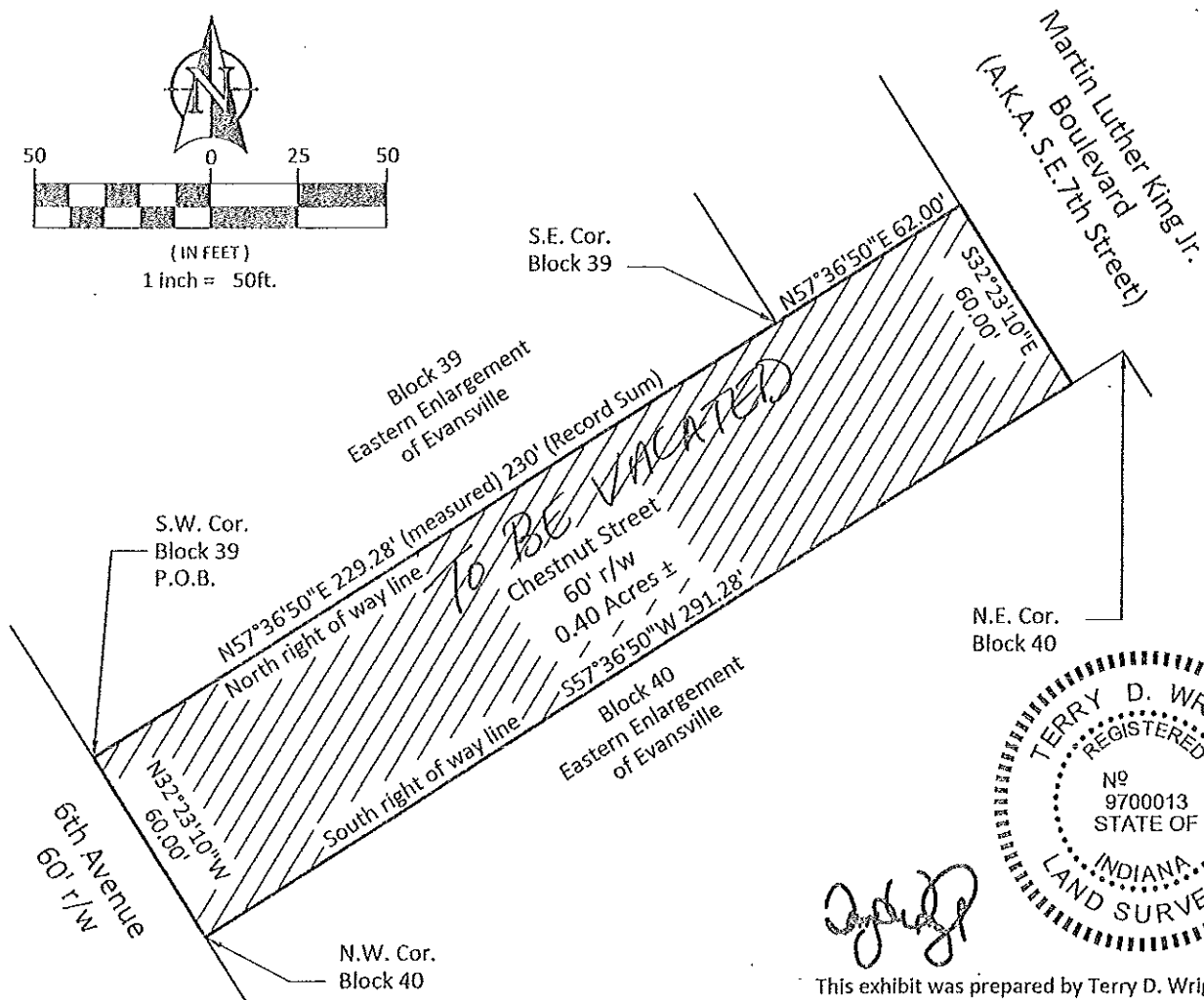
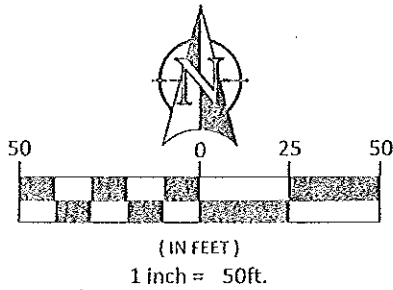

Jennifer A. Elston


Exhibit Right of Way Vacation Chestnut Street



This exhibit was prepared by Terry D. Wright
Indiana Registered land Surveyor, License Number
9700013, based on an ALTA/ACSM dated June 19,
2013.
Job # 13-044

SHEET 2 OF 2

DWN BY: TDW
CHKD. BY: TDW
SCALE: 1"=50'
DATE: 08/20/2013

Right of Way Vacation
Chestnut Street
Evansville, Indiana

WSI Engineering
2680 E Main St. Suite 200
Plainfield, IN 46168
P:317.837.4950
F:317.837.4930

STATE OF INDIANA)
)
COUNTY OF VANDERBURGH) SS: ORDINANCE NO. G-2014-11

BEFORE THE COMMON COUNCIL OF THE CITY OF EVANSVILLE

PETITION FOR VACATION OF RIGHT-OF-WAY

Pursuant to Section 12.05.450 of the Municipal Code of the City of Evansville, Indiana, the City of Evansville by and through its Department of Redevelopment ("City"), by counsel, hereby petitions the Common Council of the City of Evansville, Indiana, to vacate the public right-of-way of Chestnut Street briefly described as all of that portion of Chestnut Street between 6th Street and Martin Luther King Blvd., in the City of Evansville, Indiana (the "Public Way"). In support of this Petition, the City states as follows.

1. The City of Evansville by and through its Department of Redevelopment is a political subdivision of the State of Indiana. As such it has no board of directors or trustees. The names and mailing addresses of the Common Council of the City of Evansville, its Mayor and the Interim Executive Director of the Department of Redevelopment are set forth on Exhibit "A."

2. The City owns the real estate adjacent to the Public Way and has plans to construct a parking garage on the property.

3. The Public Way is currently used and maintained as a public road or right-of-way.

4. The legal description of the Public Way, signed and certified by an Indiana registered surveyor, is attached hereto and incorporated herein as Exhibit "B."

5. The correct names, addresses and zip codes of all owners of land within two hundred (200) feet of the Public Way are shown on Exhibit "C," attached hereto.

FILED

JUN 17 2014

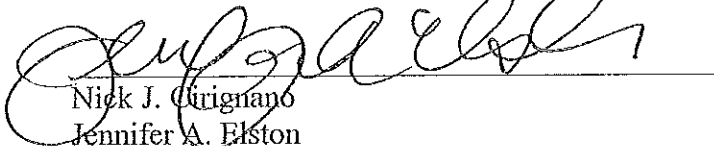
Jana Widness
CITY CLERK

6. A site plan and location map showing the general location, the existing conditions and proposed changes with the Public Way marked "TO BE VACATED" is attached hereto and made a part hereof as Exhibit "D."

7. The vacation of the Public Way is subject to easements in favor of Evansville Water & Sewer Utility, AT&T, Southern Indiana Gas and Electric Company, Inc. d/b/a Vectren Energy Delivery of Indiana and the City of Evansville Department of Transportation & Services. No other easements have been requested and there is no negative impact on traffic flow according to the Evansville Fire Department and City Engineer whose opinions are attached as Exhibit "E."

WHEREFORE, the City respectfully requests the Common Council of the City of Evansville to vacate the Public Way.

THE CITY OF EVANSVILLE, BY AND THROUGH
ITS DEPARTMENT OF REDEVELOPMENT



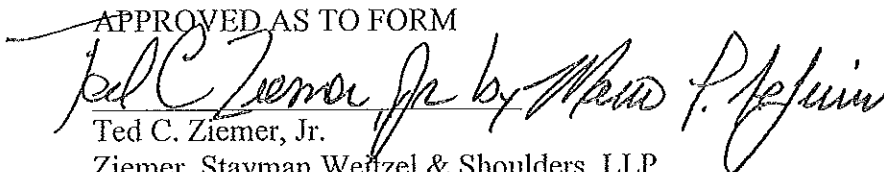
Nick J. Cirigliano

Jennifer A. Elston

ZIEMER, STAYMAN, WEITZEL & SHOULDERS, LLP
20 NW First Street, 9th Floor
P. O. Box 916
Evansville, Indiana 47706-0916
Phone: 812-424-7575
Fax: 812-421-5089

Attorneys for Petitioner

APPROVED AS TO FORM




Ted C. Ziemer, Jr.

Ziemer, Stayman, Weitzel & Shoulders, LLP
20 NW First Street, 9th Floor
P.O. Box 916

Evansville, Indiana 47706-0916
Phone: (812) 424-7575
Fax: (812)421-5089

STATE OF INDIANA)
)
COUNTY OF VANDERBURGH) SS:

SUBSCRIBED AND SWORN to before me, a Notary Public, this 17th day of June,
2014.



DIANE L. HENKE, Notary Public

County of Residence
Vanderburgh

My Commission Expires
6/11/2017

EXHIBIT "A"

Mayor Lloyd Winnecke
City of Evansville
Civic Center Complex - Room 302
1 N.W. Martin Luther King, Jr. Boulevard
Evansville, Indiana 47708-1833

City Council
City of Evansville
Civic Center Complex
1 N.W. Martin Luther King, Jr. Boulevard
Evansville, Indiana 47708-1833

Kelley Coures, Interim Executive Director
Department of Redevelopment
City of Evansville
Civic Center Complex - Room 306
1 N.W. Martin Luther King, Jr. Boulevard
Evansville, Indiana 47708-1833

EXHIBIT "B"

LEGAL DESCRIPTION

A part of the Eastern Enlargement of the City of Evansville, as recorded in Deed Record E, pages 415 and 416; transcribed in Plat Book A, pages 142, 143 and 144; re-transcribed in Plat Book E, pages 16, 17 and 18 located in the Office of the Recorder of Vanderburgh County, Indiana, being more particularly described as follows:

Beginning at the Southwest corner of Block 39 and on the North right of way line of Chestnut Street in said subdivision; thence North 57 degrees 36 minutes 50 seconds East (State Plane Bearing) on and along the south line of said Block 39 and said right of way line 229.28 feet (measured) 230.00 feet (plat) to the Southeast corner of said block; thence continuing North 57 degrees 36 minutes 50 seconds East on the extension of said right of way line 62.00 feet; thence South 32 degrees 23 minutes 10 seconds East 60.00 feet to the South right of way line of Chestnut Street and the North line of Block 40 in said subdivision; thence South 57 degrees 36 minutes 50 seconds West on and along North line of said Block 40 and said right of way line 291.28 feet to the Northwest corner of said Block 40; thence North 32 degrees 23 minutes 10 seconds West 60.00 feet to the Point of Beginning of this described parcel, containing 0.40 acres more or less.

EXHIBIT "C"

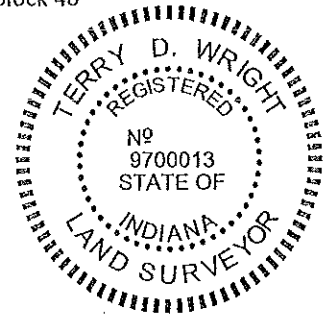
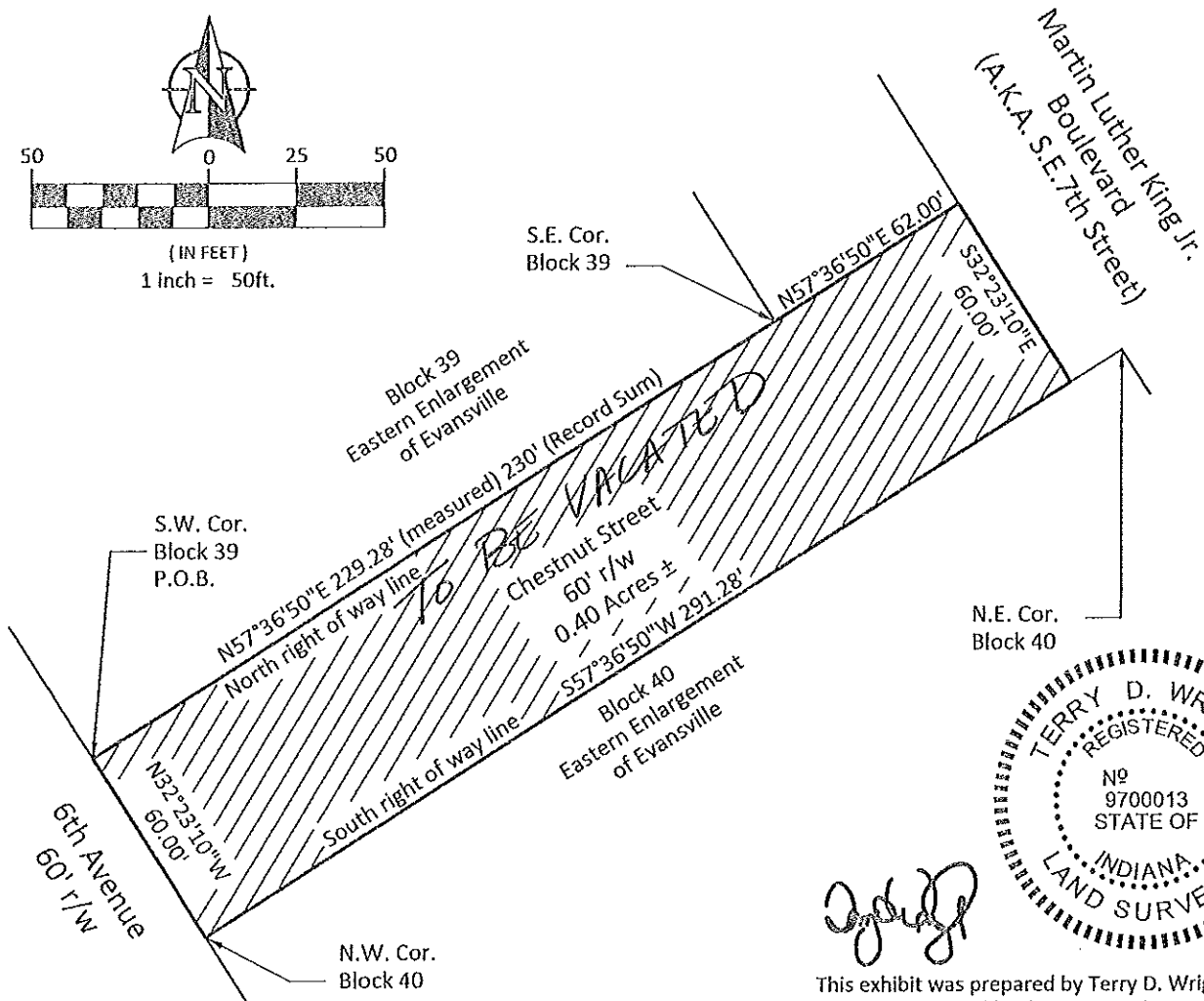
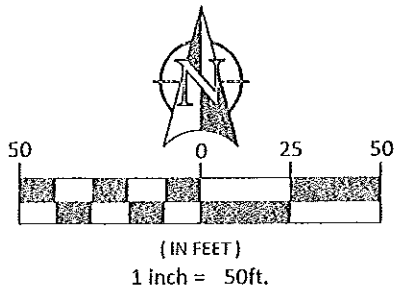
PROPERTY OWNERS WITHIN 200 FEET

<u>Property Owner</u>	<u>Parcel Number(s)</u>
1. City of Evansville Department of Redevelopment 1 NW MLK Jr. Blvd., Rm 306 Evansville, IN 47708	82-06-30-020-042.026-029 82-06-30-020-042.025-029 82-06-30-020-042.001-029
2. Evansville Vanderburgh County Public Library sometimes known as Evansville Vanderburgh Public Library 200 SE MLK Jr. Blvd. Evansville, IN 47713	82-06-29-020-044.001-029 82-06-29-020-105.001-029 82-06-29-020-071.014-029
3. Evansville Rescue Mission, Inc. 500 E. Walnut Street Evansville, IN 47713	82-06-29-020-105.002-029
4. HTA Evansville Main LLC 16435 N Scottsdale Road Scottsdale, AZ 85254	82-06-30-020-032.015-029
5. Housing Authority of Evansville 500 Court St Evansville, IN 47708	82-06-30-020-065.001-029 82-06-30-020-032.011-029
6. New Odyssey Investments LLC P.O. Box 5186 200 N. Green River Road Evansville, IN 47715	82-06-30-020-032.001.029 82-06-30-020-032.011-029

EXHIBIT "D"

SITE PLAN

Exhibit Right of Way Vacation Chestnut Street



Terry D. Wright

This exhibit was prepared by Terry D. Wright
Indiana Registered land Surveyor, License Number
9700013, based on an ALTA/ACSM dated June 19,
2013.
Job # 13-044

SHEET 2 OF 2

DWN BY:	TDW
CHKD. BY:	TDW
SCALE:	1"=50'
DATE:	08/20/2013

Right of Way Vacation Chestnut Street

Evansville, Indiana



WSI Engineering
2680 E Main St. Suite 200
Plainfield, IN 46168
P: 317.837.4950
F: 317.837.4930

EXHIBIT "E"



Vectren Corporation
P.O. Box 209
Evansville, IN 47702-0209

June 17, 2014

Jennifer Elston
Ziemer, Stayman, Weitzell & Shoulders, LLP
20 NW First St, 9th Floor
P.O. Box 916
Evansville IN 47706

Re: Vacation of Chestnut Street and Easement Grant

Petitioner: City of Evansville

Dear Ms. Elston:

Southern Indiana Gas and Electric Company, Inc. doing business as Vectren Energy Delivery of Indiana has researched the above location requested for vacation. There is currently an existing electric pole and wire line and gas pipeline within the vacated area shown in attached Exhibit A, prepared by Morley and Associates dated 6/13/2014 and referenced as job number 9020.4.001A. Therefore, the vacation request should include the following language to reserve our rights.

Southern Indiana Gas and Electric Company, Inc. d/b/a Vectren Energy Delivery of Indiana, hereinafter referred to as Company reserves the following easement rights:

Electric and gas line temporary easement:

A temporary, non-exclusive easement in favor of Southern Indiana Gas and Electric Company, Inc. dba Vectren Energy Delivery of Indiana ("Vectren") in order to operate, control, maintain, repair, relocate or remove, one or more electric lines or gas lines and all appurtenant and necessary structures to transmit public utilities across, under and upon that property depicted as the 14' Proposed Temporary Vectren Easement and the 12' Proposed Temporary Vectren Easement on the attached Exhibit B, together with rights of ingress and egress across certain portions of the Public Way labeled as the Proposed Ingress and egress Easements, which easements shall be released and terminated after the lines are relocated or abandoned

Electric line permanent easement:

An exclusive easement as shown on Exhibit B as the 8' Proposed Vectren Easement with the right to construct, inspect, maintain, operate, repair, alter, relocate, enlarge, rebuild and remove one or more electric lines above or below ground, whether facilities are above or below ground, together with all appurtenances and appliances, fixtures or equipment as may be convenient or necessary for the transmission of electric energy, upon, over, under and across said strips of land together with the right of ingress and egress across certain portions of the Public Way labeled as the Proposed

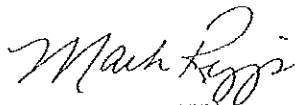
Ingress and egress Easements in the exercise of the rights herein granted. The Company also reserves the right to trim or remove, at Company's sole discretion, any and all trees located within said strips of land, and the right to trim or remove, at Company's sole discretion, any and all trees located outside said strip of land that are of such height that in falling directly to the ground they could come in contact with said above ground facilities, and the right to remove brush or other obstructions from said strip of land.

Should all or any portion of the existing utility facilities require to be removed, retired or relocated, the Petitioner of this vacate, will be responsible for all associated costs.

The above rights must be reserved in the ordinance for Southern Indiana Gas and Electric Company/Vectren to approve the said vacation.

Please forward to my attention a copy of the recorded ordinance upon passing, and if you have any questions, please feel free to give us a call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Riggs".

Mark Riggs SRWA
Land Services Supervisor
West Division
Vectren Energy Delivery of Indiana
812 491 4792



134 NW Sixth Street
Evansville, Indiana 47708

September 3, 2013

Jennifer Elston
Ziemer, Stayman, Weitzel & Shoulders, LLP
20 Northwest First Street
Evansville, Indiana 47706-0916

RE: City of Evansville Department of Redevelopment
Petition for Vacation of Right-of-Way – Chestnut Street

Jennifer,

AT&T Indiana has significant underground facilities within the right-of-way of Chestnut Street from Southeast Sixth Street to Dr. Martin Luther King, Jr. Blvd., and would therefore request public easement rights be retained, including 24/7 access for personnel and vehicles.

Please email or call me at 812/464-6050 if you need further information.

Regards,

A handwritten signature in black ink, appearing to read "Marc Clark".

Marc Clark
AT&T Design Engineer
mc3429@att.com

1900 N. Fares Ave
Evansville, Indiana 47711
Ph: (812)253-2755
Fax: (812) 909-0293
Cell: (812) 305-8348



June 16, 2014

Ziemer Stayman Weitzel Shoulders LLP
Jennifer A. Elston
20 NW First Street Ninth Floor
PO Box 916
Evansville, IN 47706

RE: SM Properties Darmstadt, L.L.C.-
Petition for Vacation of Right-of-Way- Dixie Lane/Riley Lane

Dear Ms. Elston,

In reference to your request to do a study regarding the above proposed vacation, Time Warner Cable has conducted a study and find we do have not facilities along the proposed vacate area.

Time Warner Cable does not oppose to the vacation of the above mentioned area. We would like to keep all PUE intact for future builds.

If you have any questions or require additional information please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daryl Hulsey'.

Daryl Hulsey
Construction Technician
Time Warner Cable



LLOYD WINNECKE
MAYOR

**EVANSVILLE WATER &
SEWER UTILITY**

ALLEN R. MOUNTS
DIRECTOR

1 NW Martin Luther King Blvd. Room 104 • Evansville, Indiana 47708
P O Box 19, Evansville, Indiana 47740-0001
(812) 436-7846 • FAX (812) 436-7863 • TDD (812) 436-7864

June 11, 2014

Ms. Jennifer A. Elston
Ziemer Stayman Weitzel Shoulders, LLP
20 NW First Street, Ninth Floor
Evansville, IN 47706

Re.: Proposed Vacation – Chestnut Street between SE 6th Street and SE 7th Street

Ms. Elston,

This letter is in response to your request to vacate Chestnut Street between SE 6th Street and SE 7th Street. The Evansville Water and Sewer Utility requests a 15-foot sanitary sewer easement as shown in the attachment over our existing infrastructure. This may be a temporary easement as future details about the existing sewer abandonment and new sewer relocation become more apparent. Additionally, the Water and Sewer Utility is requesting a twelve foot Public Utility Easement along and adjacent to the south property line for the full length of Chestnut Street between 6th Street and 7th Street. Our exclusive easement would have ingress and egress rights to the other utilities. If you have any questions, please call me at 421-2130 x2228.

Sincerely,

A handwritten signature in cursive script, reading "Michael D. Labitzke".

Michael D. Labitzke, PE
Deputy Director of Utilities - Engineering



It's that kind of experience.

June 9, 2014

Jennifer Elston
Ziemer, Stayman, Weitzel & Shoulders, LLP
20 N.W. First Street, P.O. Box 916
Evansville, IN 47706

**RE: City of Evansville Department of Redevelopment – Petition for Vacation of Right-of-Way -
Chestnut St**

Dear Ms. Elston,

The Wideopenwest Outside Plant Engineering department recently completed its review of attached drawing labeled "Exhibit D Site Plan" for the portion of Chestnut St between 6th Street and Martin Luther King Blvd. The findings of this review determined that Wideopenwest does not have facilities located within the said Right-of-Way.

As a result of these findings, Wideopenwest does not have any objection to the vacate proposal for the subject Right-of-Way.

This letter granted by Wideopenwest for said vacation is valid for ninety (90) days. If the Evansville City Council passes this vacation request, I would like to receive a copy of the recorded ordinance to be used for the purpose of updating our records.

Please contact my office should you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Bowen".

Rick Bowen
Outside Construction Manager
SIGECOM/WOW
812-437-0395
rick_bowen@wideopenwest.com

Cc: file



CITY OF EVANSVILLE
Department of Transportation & Services
CIVIC CENTER COMPLEX ROOM 321
1 N.W. MARTIN LUTHER KING, JR. BLVD.
EVANSVILLE, IN 47708
Phone (812) 436-4988 Hearing Impaired (812) 436-4925 Fax 436-4981

Lloyd Winnecke
Mayor

Todd Robertson
Executive Director

June 12, 2014

Ms. Jennifer A. Elston
Ziemer, Stayman, Weitzel & Shoulders, LLP
20 NW First St., 9th Floor
PO Box 916
Evansville, IN 47706

Re: Proposed Vacation of Chestnut Street
6th Street to Martin Luther King, Jr. Blvd

Dear Ms. Elston,

I am writing on behalf of the City of Evansville Traffic Engineering Department to advise that there is a 2" underground conduit with manholes running along Chestnut through the proposed vacation.

We are not particular about the easement language as long as it references City Traffic Engineerings right to operate and repair its underground conduit system. The "underground rights" limitation is fine as long as it does not limit the ability to access the area for operation and repair.

If you have further questions, don't hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Savage", is written over a horizontal line.

David L. Savage PE PTOE
Consulting Engineer of Signal Operations

cc: file



LLOYD WINNECKE
MAYOR

MIKE CONNELLY
FIRE CHIEF

550 S.E. Eighth St. • Evansville, IN 47713-1786
(812) 435-6235 • FAX: (812) 435-6248 • TDD/Hearing Impaired: (812) 436-4925

June 5, 2014

Darla Lindauer
Ziemer, Stayman, Weitzel & Shoulders, LLP
20 NW First St., 9th Floor
P.O. Box 916
Evansville, IN 47706

RE: City of Evansville Department of Redevelopment-
Petition for Vacation of Right-of-Way – Chestnut Street

Ms. Lindauer;

We recognize and acknowledge a request for City of Evansville Department of Metropolitan Development (DMD) Petition for Vacation Right-of-way of: Chestnut St. between 6th St. and Martin Luther King, Jr. Blvd.

Existing Conditions: Street

Effect of Vacation on Fire Department: none

Recommendations: The Evansville Fire Department has no objection in closing of above referenced street.

Sincerely,

Daniel R. Grimm
Chief Fire Marshal
Fire Prevention & Education
Evansville Fire Department
550 SE 8th Street
Evansville, IN 47713
812.436.4428





City Engineer's Office
CIVIC CENTER COMPLEX, ROOM 321
1 N.W. MARTIN LUTHER KING, JR BLVD.
EVANSVILLE, INDIANA 47708-1875
Phone: (812) 436-4990 FAX: (812) 436-4976
TDD/Hearing Impaired (812) 436-4934

LLOYD WINNECKE
MAYOR

BRENT A. SCHMITT, P.E.
CITY ENGINEER

June 16, 2014

Ms. Jennifer A. Elston
Ziemer, Stayman, Weitzel & Shoulders, LLP
20 N.W. First Street, 9th Floor
P.O. Box 916
Evansville, Indiana 47706

Re: Proposed Vacation of Chestnut Street
Between 6th and Martin Luther King, Jr., Blvd

Dear Ms. Elston:

On behalf of the Traffic Engineering Department, Board of Public Works and this department, I am writing in regards to the above referenced subject and your letter to Mr. Dennis Hudnall dated, August 20, 2013.

The area proposed to be vacated is an approximately 60 foot wide right-of-way that is subject to through traffic and also utilized to access property owned by the petitioner. Within the area proposed to be vacated, there are no public facilities under the jurisdiction of this department for which this department would desire to retain easements. Also, vacation of this area would have no effect on future plans of this department. As such, this office has no objections to the proposed vacation.

Thank you, and please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Brent A. Schmitt, P.E." The signature is written in a cursive style.

Brent A. Schmitt, P.E.
City Engineer

Cc: File